

## Maitree Sansad v. State of Odisha &amp; others (W. P. (C) No. 28252/2011)

COMPLIANCE REPORT

S. No.	Order Dated	Compliance Order	Status
1.	24.10.2011	Presented in Court	-
2.	02.11.2011	Matter to be listed before the bench where similar matters are taken.	-
3.	04.11.2011	Notice Issued	-
4.	01.12.2011	(Spec. Adj)	-
5.	09.12.2011	<p>Learned Addl. Govt. Advocate, filed a memo. in Court which enclosed the letter dated 8.12.2011 of the Chief Secretary to the learned Advocate General.</p> <p>The Chief Secretary sought for <i>three months' time</i> to personally examine and inform the Court of the Govt. decision on the matters relating to:</p> <p>i) declare the Sardar Ballav Bhai Patel Post Graduate Institute of Pediatrics (Sishu Bhawan), Cuttack to be an Autonomous Body.</p> <p>ii) open/start a casualty department inside the hospital for treatment of serious pediatric patients immediately.</p> <p>iii) appointment of adequate numbers of doctors and other staffs, sisters for 356 beds as was available in the Sishu Bhawan.</p> <p>iv) sanction adequate funds in annual budget for construction of Patient Attendant facility center at Sishu Bhawan, Cuttack.</p> <p>v) start construction of Patient Attendant Facility Center at Sishu Bhawan, Cuttack immediately after sanction of fund for the</p>	<p>Complied with as per <b>Affidavit filed by Opp. Prativ No.1 (27-30)</b> dtd. 16.07.2012.</p> <p>To comply with the order of Hon'ble Court a meeting under the Chairmanship of Chief Secretary, Odisha was held on 22.02.2012 to discuss the issues raised by the Hon'ble Court.</p> <p>In <b>Counter to the Affidavit filed by Opp.No. 1 (31-36)</b> dtd. 25.07.2012.</p> <p>The petitioner pointed out that the Chief Secretary, Government of Odisha has not acted as per the order dtd. 09.12.2011 and direction of this Hon'ble Court.</p> <p>Further, In <b>Affidavit filed by Opp. Prativ No.1 (37-39)</b> dtd. 06.11.2012, s Deputy Secretary to Government of Odisha, Health 85 Family Welfare</p>

		<p>purpose.</p> <p>vi) sanction adequate funds in annual budget for construction of Hostel of PG student.</p> <p>vii) sanction adequate funds in annual budget for construction of quarters/hostel for nursing staff inside the Sishu Bhawan.</p> <p>viii) improvement of ICU.</p>	<p>Department submitted further Compliance report.</p> <p><i>Rejoinder to the Counter Affidavit filed by the Opposite Party No.1 (40)</i> was submitted which opposed the contention that the State Government have not stated/disclosed when an estimate of Rs.234.87 lakhs has been allocated for construction of patient's Attendant Facility Center at Sishu Bhawan.</p> <p><i>Counter To Affidavit Filed By Opp.No. 1 (51.53)</i></p> <p>The petitioner questioned inordinate delay in carrying out the order and direction issued on 09.12.2011 by this Hon'ble Court.</p>
6.	18.01.2012	<p>A memo. was filed in Court by learned counsel for the petitioner, annexed therewith certain newspaper clippings regarding non-supply of water and deficiency in maintenance of sanitation, etc. in Sishu Bhawan, Cuttack.</p> <p>The Superintendent was directed to take effective action for improvement in the sanitation of different wards and for regular supply of water to the toilets and bathrooms in the wards meant for the patients and their attendants within <i>ten days</i> from receipt of the order.</p> <p>report wrt the progress of opening of the Casualty in the Sishu Bhawan be filed by next date.</p>	<p>Meeting held wrt directions issued.</p>

7.	30.01.2012	<p>Learned Addl. Govt. Advocate filed a memo., enclosed therewith a copy of the minutes of the meeting held on 27.1.2012 under the chairmanship of Superintendent of SVP PGIP, Cuttack regarding enhancement of cost of diet of pediatric patients, providing safe drinking water to the patients and their attendants and remedial measure, pertaining to sanitation/repair of the lavatories of the hospital and sewerage line etc.</p> <p>learned Addl. Govt. Advocate, as well as learned Menabers , of the Advocates' Committee visit the hospital and submit a report to the Court by 7.2.2012.</p> <p>Petitioner filed an application for a direction to the State Govt. to enhance the rate of diet of pediatric patients of all Govt. Health Care Units in the State in the ratio of the rates fixed for patients of other three categories as per resolution dtd. 28.2.2011, <i>Annexure-9</i>.</p> <p>Secretary to Govt. in Health &amp; Family Welfare Department and the Director of Medical Education and Training, Orissa, take a decision on the proposal submitted by the Superintendent, SVP PGIP, Cuttack regarding enhancement of the rate of diet of pediatric .patients and communicate the decision of the Govt by 7.2.2012.</p>	<p>Complied with as per Order dtd 04.04.2012 wrt. visit the hospital.</p>
8.	07.02.2012	<p>Learned Addl. Govt. Advocate sought and prayed for one month's time to enable the State Govt. to take a decision regarding enhancement of the rate of diet of pediatric patients of all Govt. Health Care Units in the State.</p>	<p>Complied with as per <i>Affidavit filed by Opp. Praty No.1 (27-30)</i> dtd. 16th July, 2012.</p>
9.	12.03.2012	<p>(Spec. Adj)</p>	<p>-</p>
10.	04.04.2012	<p>Perused the joint visit report of the</p>	

		<p>members of the Advocates' Committee along with Addl. Govt. Advocate, in pursuance of the order of this Court dtd. 7.2.2012 was placed.</p> <p>In view of the report, the Commissioner -cum- Secretary to Govt., Health and Family Welfare Department, and the Director of Medical Education &amp; Training, were directed to appear before the Court. to explain as to why the State's premier Pediatric Health Care Institute was running without any Anesthesia specialist and why the operation was being done by hiring such Specialists from outside.</p> <p>The joint visit report filed was kept on record. Learned Addl. Govt. Advocate was asked to inform the Court wrt the compliance of the directions contained in the orders of this Court dtd. 9.12.2011 &amp; 7.2.2012.</p>	
11.	09.04.2012	<p>Commissioner -cum- Secretary to Govt., Health and Family Welfare Department, and the Director of Medical Education &amp; Training appeared before the Court. The officer present assured the Court that steps shall be taken by the Govt. to fill up the posts of doctor so also the support staff on permanent and emergent basis and shall file an affidavit within a week.</p>	<p><b><i>Affidavit filed by Opp, Party No.1 (25-26)</i></b></p> <p>Complied with, as per affidavit of the Commssioner-cum-Secretary to Government of Odisha, Health &amp; Family Welfare Department, Odisha Secretariat dtd. 20.04.12</p>
12.	03.07.2012	<p>State Counsel was asked to take instruction wrt order dtd. 9.12.2011 &amp; 07.2.2012. (<i>Spec. Adj</i>)</p>	<p><b><i>Counter affidavit filed on behalf of Opp. Party No.1 (47-50) dtd. 12.11.2012.</i></b></p> <p>Discussion wrt meeting 07.07.2012 was submitted. As regard to the declaration to the issue of SVPPGIP, Cuttack to be</p>

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			an autonomous body it was decided that for the Post Graduation teaching and from MCI point of view the Dean 86 Principal, SCB MCH, Cuttack should continue as Ex-officio Director, SVPPGIP, Cuttack
13.	18.07.2012	Learned Counsel for the State prayed for further time.	-
14.	25.07.2012	Counter to the affidavit filed by O.P. no.1.	-
15.	14.08.2012	<i>(Spec. Adj)</i>	-
16.	14.11.2012	Case was taken along with the connected W.P. (C) No. 14220/06. Common Orders were passed.	-
17.	22.11.2013	A report of inspection was filed. Copies were served to Learned Counsel for the State and for the Pollution Control Board.  Response to the said report was sought.	-
18.	17.01.2014	In pursuance of the report wrt which copy was served, on 22.11.2013. Learned Addl. Standing Counsel for the State was directed to file an Action Taken Report sworn to by the Secretary, Health and Family Welfare Department within a period of <i>four week</i> , indicating what steps have been taken.	<b><i>Affidavit filed by the Principal Secretary to Govt., Health &amp; FW Department, (54-60)</i></b> Report regarding number of new beds, bed sheets and mattress available in the store of SCB MCH, Cuttack.
19.	03.04.2014	To be listed along with W.P.(C) NO. 12657/12 . <i>(Spec. Adj)</i>	-
20.	12.01.2015	The matter was not connected to W.P.(C) NO. 14576/13 to be heard separately.	-

21.	28.08.2015	<p>By order dated 9.12.2011, the Court allowed the prayer of the learned Additional Government Advocate wherein, on the basis of a communication of the Chief Secretary dated 8.12.2011 three months time was sought. More than three and half years had lapsed but no such affidavit came to be filed by the Chief Secretary.</p> <p>It was directed that the order be complied within <i>four weeks</i>.</p>	<p><i>Affidavit filed by the Chief Secretary. Odisha (61-69) dtd. 09.10.2015</i></p> <p><i>Counter Affidavit Filed By The Petitioner To The Affidavit Dtd,10.10.2015 Filed By The Chief Secy. Govt. Of Odisha (70-75) dtd. 26.11.2015.</i></p>
22.	23.09.2015	<p>Misc. Case No. 16683 of 2015 was filed by the learned counsel for the petitioner. Copy of this Misc. Case be served on the learned counsel for the State by 25.09.2015.</p>	
23.	20.11.2015	<p>Learned Additional Government Advocate submitted that an affidavit had been filed by the Chief Secretary on 16.10.2015, not available on record. Also, directed to serve copies of the affidavit to the learned counsel for the petitioner and as well as for the Court.</p>	
24.	27.11.2015	<p>Counter affidavit filed on behalf of the petitioner in response to the affidavit of the Chief Secretary, Govt. of Odisha dated 10.10.2015.</p> <p>Learned Additional Government Advocate drew the Court attention to a communication dtd. 27.11.2015 issued by the Superintendent of S.V.P. P.G.I.P., Cuttack, stating that construction of the Beat House within the premises of the Sishu Bhawan was handed over to the D.C.P., Cuttack.</p> <p>D.C.P., Cuttack was directed to post necessary man power to make the Beat House operational within a week and</p>	

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		compliance was to be filed.	
25.	21.11.2017	Learned Counsel for the petitioner stated that the matter may not be treated as connected with OJC No.6721 of 1999. This was directed to be listed along with W.P. (C) No.15821 of 2015 and W.P.(C) No. 15832 of 2015.	
26.	29.04.2021	Learned Additional Government Advocate stated that he will file a fresh affidavit to bring up-to date the current status of the aforementioned Sishu Bhawan. The affidavit was to be filed not later than 21st June 2021.  To be Listed along with W. P. (C) Nos. 15821 and 15832 of 2015 on 28th June, 2021.	<b><i>Affidavit filed by Superintendent. SVPPGIP (Sishu Bhawan). Cuttack As Opp. Party No. 3. (76-80) dtd. 14.09.2021.</i></b>  <b><i>Rejoinder to the affidavit dated 14.09.2021 filed by SVPPGIP (Sishu Bhawan) Opp. Party No.3 (98-107) dtd. 27.10.2021</i></b>
27.	28.06.2021	<i>(Spec. Adj)</i>	
28.	05.07.2021	Learned Additional Government Advocate prayed and was granted eight weeks' time to file affidavits in terms of previous orders. The affidavit would also explain the status of a new seven storied building, under construction in the Sishu Bhawan premises.	
29.	15.09.2021	Affidavit was filed by the Superintendent SVPPGIP (Sishu Bhawan), Cuttack was handed over in the Court.	
30.	17.11.2021	The Court permitted Mr. Arun Kumar Budhia, Mr. Nibas Ch. Mishra, Mr. Ajay Kumar Mohanty Advocates for the Petitioner in the connected matters along with Mr. A.P. Das, Advocate to make a visit to SVPPGIP (Sishu Bhawan), Cuttack by 18th November, 2021 at 10.00	<b><i>Complied with as per Order dtd. 14.12.2021.</i></b>

		A.M. Learned Additional Government Advocate is instructed to inform the Superintendent of SVPPGIP (Sishu Bhawan), Cuttack to make necessary arrangements for the visit.	
31.	14.12.2021	Copy of the report submitted by the four member Advocates' Committee along with a video in the pen drive in Court.	<i>Affidavit filed by Superintendent, SVPPGIP (Sishu Bhawan), Cuttack As Opp. Party No.3 dtd. 14.02.2022</i>  Affidavit was filed in obedience of the order no. 31 dated 14.12.2021 and report submitted on 14.12.2021 by the Lawyers' Committee as per the direction of the Hon'ble Court vide order dated 17.11.2021.
32.	23.12.2021	Learned Counsel for the opposite parties stated that a comprehensive reply in response to the report of the Advocates' Committee will be prepared by 3rd January 2022.	
33.	23.02.2022	Learned Additional Government Advocate stated that he will file an affidavit of the Superintendent of SVPPGIP (Sishu Bhawan), Cuttack enclosing corresponding photographs of the Advocates Committee's report which would show that the situation at a particular location has improved.	
34.	30.03.2022	Opposite Party No.3 (Superintendent, Sardar Ballavbhai Patel Post Graduate Institute of Paediatrics) in W.P.(C) No.28252 of 2011 filed an affidavit.	



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		<p>Certain photographs enclosed in the affidavit make it appear that the Sishu Bhavan is now much cleaner than before.</p> <p>It will be open to the Committee of Advocates to visit Sishu Bhawan again in the next ten days to verify if the facts stated in the affidavit are correct. Listed on 18th May, 2022.</p>	<p>“Yet to be Received”</p>
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